

ORDINANCE NO. **1927**

AN ORDINANCE AMENDING ORDINANCE NO. 1750-A PASSED AND ENROLLED ON JANUARY 28, 2008, BY AMENDING CERTAIN DEFINITIONS AND CRITERIA RELATED TO OBTAINING A PERMIT FOR APPROPRIATE ENCROACHMENTS IN THE CITY RIGHT-OF-WAY.

WHEREAS, the City recognizes the need for and the public benefit of certain encroachments to be allowed in the city right-of-way; and

WHEREAS, Sec. 16-103(b)(2) currently allows encroachments through an abutting-property-encroachments permit, such as planters, free-standing decorative light poles or columns, flagpoles and other "solely decorative, non-structural appurtenances...deemed by the director to beautify the city or to be beneficial to the public"; and

WHEREAS, landscaping to beautify city right-of-way is considered beneficial to the public, while other forms of encroachments listed under Sec. 16-103(b)(2) provide fewer recognizable public benefits.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ALAMO HEIGHTS, TEXAS:

THAT, the ordinance passed and enrolled on January 28, 2008, being Ordinance No. 1750-A, now known as Chapter 16 STREETS AND SIDEWALKS, of the Code of Ordinances, be and the same is hereby amended by adding the definition of "Encroachment" stated in the attachment hereto to Sec. 16-100, and by repealing current Sec. 16-103 and by adopting a new Sec. 16-103 stated in the attachment hereto; and

THAT, in the event that any provision of this Ordinance is held to be invalid, it is the intention of the City Council that this Ordinance be of no force and effect whatsoever; and

THAT, this Ordinance shall become effective five days after its publication.

PASSED AND APPROVED this the 9th day of April, 2012.




MAYOR

ATTEST:



CITY SECRETARY

APPROVED AS TO FORM:



CITY ATTORNEY